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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,585	09/08/2003	Dan Fraenkel	1856-33100	9875

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EXAMINER

NGUYEN, CAM N

ART UNIT	PAPER NUMBER
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1754

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,585

Applicant(s)

FRAENKEL, DAN

Examiner

Cam N. Nguyen

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1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on February 07, 2006 (amendment/response).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-30, 32, 34, 35, 37, 38, 42-49, 51-71 and 74-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11, 13-20, 32, 34, 35, 37, 38, 42-49, 51-71 and 74-78 is/are allowed.
- 6) ☒ Claim(s) 21-30 is/are rejected.
- 7) ☒ Claim(s) 1, 21, 29, 32, 43-49, 52-54, 63, 67, & 75 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on originally filed is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Withdrawal of Finality of Last Office Action

1. The indicated allowability of previous claims 12, 31, 39, 46, & 50 are withdrawn in view of the newly discovered reference(s) to Franenkel et al. (US Pat. 5,565,399).

Rejections based on the newly cited reference(s) follow.

Response to Amendment

2. Applicants' amendment and remarks, filed February 07, 2006, has been made of record and entered. Claims 1, 21, 49, 63, 66, & 75 have been amended. Claims 12, 31, 33, 36, 39-41, 50, & 72-73 have been canceled. Claims 76-78 have been added.

Claims 1-11, 13-30, 32, 34-35, 37-38, 42-49, 51-71, & 74-78 are currently pending.

Status of Withdrawn Claims

3. Claims 63-71 & 74-75 were previously withdrawn. They have now been rejoined with the elected claims because they contain the same allowable subject matter as recited in the elected claim 49.

Claim Objections

4. Claims 1, 21, 29, 32, 43-49, 52-54, 63, 67, & 75 are objected to because of the following informalities:

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- A. In claim 1, step(a), line 3, "rare-earth" should be changed to --rare-earth metal--.
- B. In claim 1, step(b), line 4, "rare-earth" should be changed to --rare-earth metal--.
- C. In claim 1, step(b), line 5, "rare-earth" should be changed to --rare-earth metal--.
- D. In claim 1, step(c), line 6, "rare-earth" should be changed to --rare-earth metal--.
- E. In claim 1, step(c), line 10, "oxide of said rare-earth metal" should be changed to --oxide of said at least one rare-earth metal--.
- F. In claim 1, step(c), line 11, "one rare-earth metal" should be changed to --at least one rare-earth metal--.
- G. In claim 21, line 1, "rare-earth oxide" should be changed to --rare-earth metal oxide--.
- H. In claim 21, line 6, "one rare-earth metal" should be changed to --the at least one rare-earth metal--.
- I. In claim 29, line 1, "is characterized by" is suggested replaced with another phrase such as --having--.
- J. In claim 32, line 5, "rare-earth oxide" should be changed to --rare-earth metal oxide--.
- K. In claim 32, line 10-11, "one rare-earth metal" should be changed to --the at least one rare-earth metal--.
- L. In claim 43, line 1, "rare-earth oxide" should be changed to --rare-earth metal oxide--.
- M. In claims 44-48, line 1, for consistency with the language in other dependent claims, the phrase "Fischer-Tropsch" should be deleted.

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N. In claim 49, line 2, "rare-earth oxide" should be changed to --rare-earth metal oxide--.

O. In claim 49, line 3, "rare-earth oxide" should be changed to --rare-earth metal oxide--.

P. In claim 49, line 11, "one rare-earth metal" should be changed to --the at least one rare-earth metal--.

Q. In claims 52 & 53, line 1, "rare-earth oxide" should be changed to --rare-earth metal oxide--.

R. In claim 54, line 2, "catalytically active" should be changed to --catalytically active metal--.

S. In claim 63, line 10, "rare-earth oxide" should be changed to --rare-earth metal oxide--.

T. In claim 63, line 13, "any" should be deleted.

U. In claim 63, line 15, "one rare-earth metal" should be changed to --the at least one rare-earth metal--.

V. In claim 67, line 2, "characterized by" should be deleted and replaced with another phrase.

W. In claim 75, line 1, "rare-earth oxide" should be changed to --rare-earth metal oxide--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102(b)

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 21-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Fraenkel et al., “hereinafter Fraenkel”, (US Pat. 5,565,399).

Fraenkel discloses attrition-resistant bodies comprising platinum supported on microspheres of transition alumina, said alumina microspheres having been impregnated with at least 2 weight percent La_2O_3 and from 3 to 8 weight percent CeO_2 , etc., (see col. 9- col. 10, claim 1). The transition alumina having a delta, theta, a mixture thereof is preferable (see col. 4, ln 29-43).

With respect to the limitation on “wherein the support does not substantially degrade in the presence of mildly acidic conditions comprising a pH equal to or greater than about 4” in claim 21 & the support surface area and pore volume in claim 29 , it is inherent that the support material disclosed by Fraenkel would possess the same properties because the disclosed support material is the same as being claimed.

Response to Applicants’ Arguments

7. Applicants’ amendment and response filed on February 07, 2006 has been fully considered, but not deemed persuasive in view of the new ground of rejection above.

Citations

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form prepared. All references are cited for related art.

Conclusion

9. Claims 1-11, 13-30, 32, 34-35, 37-38, 42-49, 51-71, & 74-78 are pending. Claims 21-30 are rejected. Claims 1, 21, 29, 32, 43-49, 52-54, 63, 67, & 75 are objected. Claims 1-11, 13-20, 32, 34-35, 37-38, 42-49, 51-71, & 74-78 are allowed.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner Cam N Nguyen, whose telephone number is 571-272-1357. The examiner can normally be reached on M, W, R, & F, 9:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen/cnn *cnn*
March 26, 2006

Cam Nguyen
CAM N. NGUYEN
PRIMARY EXAMINER

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